

ESTTA Tracking number: **ESTTA41045**

Filing date: **08/03/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	MGA Entertainment, Inc.
Granted to Date of previous extension	08/03/2005
Address	16380 Roscoe Boulevard Van Nuys, CA 91406 UNITED STATES

Correspondence information	Sam Khare MGA Entertainment, Inc. 16380 Roscoe Boulevard Van Nuys, CA 91406 UNITED STATES tm@mgae.com Phone:818-894-2525
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Applicant Information

Application No	78309402	Publication date	04/05/2005
Opposition Filing Date	08/03/2005	Opposition Period Ends	08/03/2005
Applicant	Blake, Karla M #350 3770 E. Desert Inn Road Las Vegas, NV 89121		

	UNITED STATES
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Goods/Services Affected by Opposition

<p>Class 028.</p> <p>All goods and services in the class are opposed, namely: Board games containing playing pieces in the form of square tiles, instruction manuals, and packaging sold as a unit</p>
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Attachments	Notice of Opposition.pdf (6 pages)
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Signature	/SAM KHARE/
Name	Sam Khare
Date	08/03/2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark application Serial No:
Filed:
For the Mark:
Published in the Official Gazette on:
Publication Page:

78/309402
October 3, 2003
BRAT! & Design
April 5, 2005
2005 304

MGA Entertainment, Inc.)
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Opposer,)
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vs.)
)
Karla M. Blake,)
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Applicant.)
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To: Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Opposer, MGA Entertainment, Inc., (“MGA”) is a corporation organized pursuant to the laws of the State of California, with its principal place of business at 16380 Roscoe Boulevard, Van Nuys, California, 91406, USA. MGA believes that it may be harmed by registration of the mark BRAT! & Design, as shown in U.S. Application Serial No. 78/309402 (the “Application”) and hereby opposes its registration on the following grounds:

1. Applicant, Karla M. Blake (“Blake”) filed an intent to use application to register BRAT! & Design for use with board games, including associated playing board, playing pieces, carrying bags, instruction manuals and packaging in Class 28. The Application was filed on or about October 3, 2003, and ultimately published for opposition on April 5, 2005. In the application, Applicant listed her address as 3770 E. Desert Inn Road, Las Vegas, Nevada 89121.

2. Opposer requested and was granted two extensions of time within which to file a notice of opposition by the Trademark Trial and Appeal Board (“TTAB”) of the U.S. Patent and Trademark Office, which extended the deadline to file an opposition to August 3, 2005.

3. Opposer is the owner of the following trademark registrations:

BRATZ	16	2,836,780
BRATZ	18	2,836,780
BRATZ	25	2,751,890
BRATZ	28	2,789,216
BRATZ (& DESIGN)	25	2,787,942
BRATZ BOYZ	16	2,795,675
BRATZ BOYZ	28	2,795,675
BRATZ BOYZ (& DESIGN)(COLOR)	28	2,911,097
BRATZ FM CRUISER	28	2,848,386
BRATZ FUNKY FASHION MAKEOVER KIT	28	2,848,281
BRATZ PETZ	28	2,921,772
BRATZ STYLIN SALON 'N' SPA	03	2,803,235
BRATZ STYLIN SALON 'N' SPA	28	2,803,235
BRATZPACK	28	2,644,212
LIL' BRATZ	28	2,776,558
THE BRATZ PACK	28	2,671,473

4. In addition, Opposer is the owner of various pending applications covering BRATZ, namely:

Notice of Opposition
Mark: BRAT! and Design
Serial No.: 78/309402

BEFORE THEY WERE BRATZ, THEY WERE BRATZ BABYZ!	28	78/577873
BRATZ	03	76/976513
BRATZ	09	76/976513
BRATZ	14	76/976513
BRATZ	24	76/976513
BRATZ	30	76/976513
BRATZ	32	76/423319
BRATZ BABYZ (& DESIGN)	28	78/637974
BRATZ BABYZ HAIR FLAIR	28	78/668246
BRATZ BLAZIN' BASKETBALL BAG	18	78/387099
BRATZ BOYZ (& DESIGN)	28	78/338044
BRATZ CATZ	28	78/302194
BRATZ CHAT	28	78/335429
BRATZ DO MATH	09	78/571032
BRATZ DO MATH	28	78/571030
BRATZ DOGZ	28	78/302196
BRATZ FOXZ	28	78/302199
BRATZ FUNK 'N GLOW	16	76/976978
BRATZ FUNK 'N GLOW	28	76/976978
BRATZ GIRLS	09	78/530197
BRATZ GIRLS	16	78/530198
BRATZ GIRLS	25	78/530199
BRATZ GIRLS	28	78/530196
BRATZ GIRLS	41	78/530195
BRATZ JEANS	25	76/467126
BRATZ LEARN TO READ	09	78/571034
BRATZ LEARN TO READ	28	78/571025
BRATZ LEARN TO WRITE	09	78/570890
BRATZ LEARN TO WRITE	28	78/571028
BRATZ LONDON: ROCKIN' THE WORLD	41	78/614128
BRATZ PLAY GAMES	28	78/571021
BRATZ PLAY SPORTS	28	78/571022
BRATZ ROCK ANGELZ	09	78/490327
BRATZ ROCK ANGELZ	28	78/490539
BRATZ ROCK ANGELZ	41	78/490324
BRATZ ROCKIN' CHIC	28	78/614297
BRATZ SPACE ANGELZ POP STARZ	09	78/490328
BRATZ SPACE ANGELZ POP STARZ	28	78/490543
BRATZ SPACE ANGELZ POP STARZ	41	78/490321
BRATZ SPORTZ	28	78/445009
BRATZ WORLD	28	78/420310
LIL' BRATZ CHARM PARTY, THE	28	78/614295

FRIENDSHIP BOARD GAME		
LIL' BRATZ MOTOR CRUISER	28	78/298842
LIL' BRATZ TOTALLY-HOT HIP HOP SCOTCH	28	78/614299
RETRO FUNK BRATZ	28	76/525729
TOKYO FUNK BRATZ	28	76/525728
VINTAGE BRATZ	28	78/638010

5. Furthermore, Opposer has distributed and sold board games under its BRATZ Marks.
6. By virtue of Opposer's 64 applications and registrations listed in paragraphs 3 and 4, Opposer has established a family of BRATZ marks (collectively, "BRATZ Marks").
7. In addition to licensing third parties the right to create and distribute products under the BRATZ Marks, Opposer has sold goods listed in the aforesaid registrations and other goods under Opposer's BRATZ Marks throughout the United States and the world. Said goods are of good quality and have enjoyed significant sales. The goods sold under Opposer's BRATZ Marks have been favorably received and are otherwise recognized by the consuming public as being associated with and/or emanating from the Opposer or its authorized licensees.
8. By virtue of the ongoing and continuous use of Opposer's BRATZ Marks, the quality of the goods sold under said marks, and the significant volume of sales of such goods, MGA has cultivated significant goodwill in its BRATZ Marks. Consumers associate the BRATZ Marks with MGA.
9. Blake's intent to use application for the BRAT! and Design mark does not detail the artwork, target audience, channels of commerce, character art, packaging

elements, product designs and product features of Applicant's goods. Nor was MGA able to independently locate such information.

10. Based upon the limited information available relating to Applicant's BRAT! and Design mark and the goods to be covered by such mark, Opposer believes Applicant's proposed use of said mark is likely to lead to consumer confusion.

11. Applicant's BRAT! and Design mark is similar in sound and appearance to MGA's BRATZ Marks. Furthermore, the proposed goods on which Applicant intends to use her mark are similar and are related to certain goods offered under MGA's BRATZ Marks.

12. As a result of the foregoing, the registration of Applicant's mark may well cause a likelihood of confusion, mistake or deception as to the source or origin of Applicant's BRAT! goods. Consumers may erroneously believe that Applicant's BRAT! goods are produced or licensed by, or associated with MGA. Applicant's mark is likely to lessen the distinctiveness of the BRATZ Marks and is likely to dilute the BRATZ Marks.

13. MGA believes that it is likely that it will be damaged by registration of the mark shown in the application, in that such registration will permit Applicant the exclusive right to use the BRAT! and Design mark, despite the likelihood of confusion, mistake or deception and the likelihood of dilution as described above, and will allow Applicant to trade on MGA's existing goodwill in its BRATZ Marks.

Notice of Opposition
Mark: BRAT! and Design
Serial No.: 78/309402

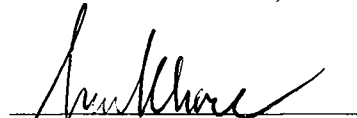
WHEREFORE, Opposer, MGA, prays that Applicant's application for the mark BRAT! and Design, Serial No. 78/309402 be rejected and that the registration for the mark is refused.

Dated: August 3, 2005

Respectfully submitted,

MGA Entertainment, Inc.

By:



Sam Khare

Counsel

MGA Entertainment, Inc.

16380 Roscoe Blvd.

Van Nuys, CA 91406